



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/932,424
Filing Date: August 17, 2001
Applicant: Eric E. Johnson
Application Title: Portable Lateral-Support Headrest
Examiner/GAU: Milton Nelson, Jr. / 3636

Los Angeles, California, June 1, 2004

AMENDMENT C

Mail Stop RCE
Commissioner for Patents
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In response to the Office Action mailed December 30, 2003, and in accordance with the Request for Continued Examination mailed herewith, please amend the above application as follows:

INTRODUCTORY COMMENTS: Introductory comments begin on page 2 of this Amendment.

CLAIMS: Amendments to the specification begin on page 4 of this Amendment.

REMARKS: Remarks begin on page 7 of this Amendment.

INTRODUCTORY COMMENTS

Applicant has requested continued examination of this application. There are three remaining issues from the final office action mailed December 30, 2003 (the "Office Action").

- Indefiniteness objections under 35 U.S.C. § 112, second paragraph, to dependent claim 13 and independent claims 18 and 21: Amendments are submitted to overcome these objections. Applicant believes these amendments will cure any remaining problems.
- Obviousness objection under 35 U.S.C. § 103(a) to independent claim 21 and dependent claims 13 and 16 based on Dickey (4,619,483) and Franzen (5,685,613) as a secondary reference: Applicant submits new argumentation with regard to this issue. Dickey and Franzen cannot be combined to make applicant's invention because a crucial part is missing, and because applicant's principle of operation is entirely foreign to these two references.
- Enablement objections under 35 U.S.C. § 112, first paragraph and drawing objections under 37 CFR 1.83(a) with regard to the inflatable embodiments, claims 17 through 20: Applicant has cancelled claim 17 and amended claim 18 to replace the word "rigid," which was used to describe the device in its fully inflated state, and has substituted the term "firm." Applicant submits that the drawings and specification are sufficient to enable a person skilled in the art to make and use the invention as defined in the amended claims.

Applicant believes that these amendments will put the application in full condition for allowance.

As this is a *pro se* application, applicant again requests, pursuant to MPEP 707.07(j), that the examiner draft one or more claims that would be allowable. No claims have been drafted by the examiner in this case.

Specifically, in addition to any other assistance, if applicant's arguments with regard to the obviousness objection are found to be persuasive, but claim 21—the principle independent claim—is found to be objectionable for some other reason, the currently submitted amendments notwithstanding, then applicant respectfully requests the examiner write an unobjectionable independent claim covering the base invention, the role currently sought by claim 21.

Allowable Subject Matter

Claims 12, 14, and 15 (which are dependent on claim 21) have been deemed allowable if amended to overcome indefiniteness objections to the independent claim 21. These claims cover variants of claim 21 employing, respectively, a convex cushion, a hinged engagement, and a pivoting engagement. Applicant submits that the amendments to claim 21 make claims 12, 14, and 15 fully unobjectionable.